

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-8 were pending prior to the Office Action. Claims 9-13 have been added through this Reply. Claims 1-3 and 8 are withdrawn as being directed to a non-elected invention. Claims 4 and 5 have been amended through this Reply. Claims 4 and 9 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

ELECTION/RESTRICTION

As previously argued on June 18, 2007, claim 4 recites features of the general structure of the disk device and thus is generic to Figs. 10-19 (Species B-D). Further, withdrawn claim 8 depends from claim 7 which depends from claim 4. Accordingly upon allowance of claim 4, recapture of claims directed to species B and D and claim 8 are respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicant appreciates that claims 5 and 6 are indicated to define allowable subject matter.

35 U.S.C. § 102 REJECTION – Moriyama

Claims 4 and 7 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Moriyama et al. (US 2003/0076773 A1) (“Moriyama”). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Moriyama fails to teach or suggest each and every claimed element. For example, amended independent claim 4 recites, *inter alia*, “wherein said supporting portions include groove portions that open in a direction substantially parallel to the carrying direction of said disk medium carried by said carrying means.” *Emphasis added.* It is respectfully submitted that Moriyama fails to teach or suggest the above-identified claim feature.

Moriyama merely discloses a conventional disk recording or playback device that comprises mechanism deck 5 provided with a turntable 51 and movable upward or downward as coupled to a slide member 3 including a subchassis 50 having the turntable 51 mounted thereon, and a frame 6 fitting to the slide member 3 and supporting the subchassis 50. A chassis 1 is provided with a holding mechanism for upwardly or downwardly pivotally movably supporting the frame 6 as inserted into the chassis 1 obliquely from above and fitting to the slide member 3. The frame 6 includes a pair of pins 60 projecting outward therefrom and supported by the holding mechanism for restraining the frame 6 from backlashing upward or downward, and the projecting pin 60 has a projection 61 for preventing the frame 6 from backlashing laterally. (*See paragraphs [0012]-[0015].*)

Moriyama is distinguished from the claimed invention in that neither the main chassis 1 nor the mechanism deck 5 includes on the chassis 1 includes supporting portions, wherein the supporting portions include groove portions that open in a direction substantially parallel to the carrying direction of said disk medium. Although Moriyama discloses a vertical plate 31 which may include one or two cam grooves 36, Moriyama is silent on whether these cam grooves are part of the supporting portions and open in a direction substantially parallel to the carrying direction of a disk D.

Therefore, for at least these reasons, independent claim 4 is distinguishable from Moriyama. Claims 7 depends from claim 4. Therefore, for at least the reasons stated with respect to claim 4, claim 7 is also distinguishable from Moriyama.

Accordingly, Applicant respectfully requests that the rejection of claims 4 and 7, based on Moriyama, be withdrawn.

NEW CLAIMS

New independent claim recites, *inter alia*, “wherein said supporting portions include groove portions that open in a direction substantially parallel to the carrying direction of said disk medium carried by said carrying means, and resiliently deformable position-regulating members that regulate the positions of said rotation shafts so as to prevent said rotation shafts from being dropped out of said groove portions.” As acknowledged by the Examiner, Moriyama

fails to teach or suggest the above-identified claim feature. (*See page 5, lines 1-2 of the Office Action.*) Further, as demonstrated above, Moriyama fails to teach or suggest that the groove portions open in a direction substantially parallel to the carrying direction of the disk medium as recited in the claim.

Therefore, it is respectfully submitted that claim 9 is distinguishable from Moriyama. Claims 10-13 depend from claim 9, directly or indirectly. Therefore, for at least the reasons stated with respect to claim 9, claims 10-13 are also distinguishable from Moriyama.


Conclusion

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By  # 58,755
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant